REMARKS

The Final Office Action, mailed November 20, 2007, considered claims 1–10, 12–36, 41 and 42. Claim 1 was objected to because of minor informalities as it fails to spell out all claimed limitations, particularly as to Claim 10. Claims 1–10, 12–36, and 41–42 were rejected under 35 U.S.C. § 102(b), as being anticipated by Hartmann, U.S. Patent No. 6,505,342 (filed May 31, 2000) (hereinafter Hartmann).[1]

By this response, claims 1 and 10 are amended such that claims 1–10, 12–36, and 41–42remain pending.[2] Claims 1 and 10 are independent claims which remain at issue. Support for the amendments may be found within Specification pp. 22–23, 26–27, and Fig. 5.[3]

As reflected in the claims, the present invention is directed generally toward providing a health model for software. Claim 10 recites, for instance, in combination with all the elements of the claim, a system comprising a method for building a health model of a software component. The method includes creating an inventory of instrumentation of the software component and mapping each individual instrumentation in the inventory of instrumentation to a state of operation of the software component before the instrumentation is generated. Each individual instrumentation in the inventory of instrumentation is also mapped to a state of operation of the software component after the instrumentation is generated. The states of operation, both before and after the instrumentation is generated, belong to a list comprising running, failed, stopped, paused, non-activated, and activated. The inventory is analyzed to identify instrumentation that result in the same transition from one state of operation of the software component to another state of operation of the software component. The method includes grouping the identified instrumentation that result in the same transition from one state of operation of the software component to another state of operation of the software component by filtering the instrumentation based upon the state of the operation of the software component before

[1] Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] The amendments and remarks presented herein are consistent with the information presented by telephone on Dec. 20, 2007, by patent attorney John Bacoch (reg. no. 59,890) and attorney Thomas Bonacci.

[3] However, it should be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

instrumentation was generated and the state of operation after the instrumentation was generated. The method also includes generating a health model using the states of operation and at least one transition representing a group of instrumentation from one state of operation of the software component to another state of operation of the software component.

Independent claim 10 recites a method similar to that method incorporated in the system of claim 1. (It may be noted that, as per the Examiner's request, each of the acts of the method of claim 10 are now explicitly recited in the system of claim 1.)

Independent claims 1 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hartmann. The independent claims have now been amended and the Applicants submit that Hartman fails to teach each and every element of the invention as now recited in the claims.

In particular, Hartmann fails to teach mapping each individual instrumentation in the inventory of instrumentation to a state of operation of the software component before the instrumentation is generated, the state of operation before the instrumentation is generated being from a list comprising running, failed, stopped, paused, non-activated, and activated.

Hartman also fails to teach mapping each individual instrumentation in the inventory of instrumentation to a state of operation of the software component after the instrumentation is generated, the state of operation before the instrumentation is generated being from a list comprising running, failed, stopped, paused, non-activated, and activated.

Hartman also fails to teach representing the health model in a table comprising fields including an event group, an event identification, the state before an event occurs, the state after an event occurs, an anti-alert, a remedy, a blame component, and a description.

Further, Hartmann fails to teach analyzing the inventory to identify instrumentation that result in the same transition from one state of operation of the software component to another state of operation of the software component; grouping the identified instrumentation that result in the same transition from one state of operation of the software component to another state of operation of the software component by filtering the instrumentation based upon the state of the operation of the software component before instrumentation was generated and the state of operation after the instrumentation was generated; and generating the health model using the states of operation and at least one transition representing a group of instrumentation from one state of operation of the software component to another state of operation of the software component.

Because Hartmann fails to teach each and every element of claim 1 as now recited, a rejection under 35 U.S.C. § 102 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 1.

As the method of claim 10 recites elements similar to those of the system of claim 1, the above discussion applies equally to claim 10. Accordingly, a rejection of claim 10 under 35 U.S.C. § 102 would be improper and should be withdrawn. Correspondingly, the Applicants respectfully request favorable reconsideration of claim 10.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 20th day of February, 2008.

Respectfully submitted,

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